

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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ELLEN BETZ,

Plaintiff,

v.

TEMPLE HEALTH SYSTEMS,

Defendant.  
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: Case No. 2:15-cv-00727-GJP  
: (Hon. Gerald J. Pappert)  
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**TEMPLE’S STATEMENT CONCERNING PROPOSED JOINT  
VERDICT SHEET AND TEMPLE’S JURY INSTRUCTIONS**

Defendant Temple Health Systems (“Temple”), by and through undersigned counsel,  
hereby states the following:

1. With respect to the Proposed Verdict Sheet Question No. 2<sup>1</sup> and Jury Instruction Nos. 2, 9, and 12, Temple does not agree that Plaintiff Ellen Betz’s (“Betz”) suggestion that an alleged negative reference against a terminated employee can serve as both retaliation under Title VII and the PHRA as well as the basis for her defamation and tortious interference claims. She is not entitled to two bites of the apple.

2. With respect to Jury Instruction Nos. 1, 4-8, 10, 11, 14, Temple believes that its language most closely reflects the Model Civil Jury Instructions and the relevant case authority. For example, Betz wrongfully argues that the jury should not be explicitly instructed concerning the “but-for” causation standard articulated in Univ. of Tex. Southwestern Med. Ctr. v. Nassar, 133 S. Ct. 2517, 2532 (2013). Temple further disagrees with the revised language set forth by Betz or the outright striking of Temple’s proposed language in the other proposed instructions. Betz’s attempted deletions and changes are inconsistent with the law of this circuit.

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<sup>1</sup> Temple and Betz agree to all other changes to the Proposed Verdict Sheet.

3. In addition, with respect to Jury Instruction No. 12, the Court will decide the “back pay” and “front pay” issue. Temple disagrees with Betz’s addition of the following sentence: “‘Back pay’ and ‘front pay’ are to be awarded separately under instructions that I will soon give you, and any amounts for ‘back pay’ and ‘front pay’ are to be entered separately on the verdict form.”

4. With respect to Jury Instruction Nos. 17, 18, 19, Temple modified the language following its meet-and-confer with opposing counsel to include a notice component to Betz’s FMLA interference claim. Temple wishes to discuss its modifications with counsel and the Court at the pre-trial conference.

5. The parties are in agreement with respect to the current language, modification, or striking of Temple’s Jury Instruction Nos. 3, 13, 15, 16, and 20-33.

Respectfully submitted,

Dated: January 20, 2016

/s/ Jason K. Roberts  
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